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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,093	10/24/2001	Peter R. Paradis	11876/3	1057

7590

10/04/2006

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EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,093

Applicant(s)

PARADIS, PETER R.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed July 7, 2006. Claims 1 and 5 have been amended. Claims 1-7 are pending.
2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendments to the claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said local memory" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim. Claims 2-4 are also rejected since they depend therefrom

Claim 5 recites the limitation "said local memory" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claims 6 and 7 are also rejected since they depend therefrom.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al (USPN 6,389,454), in view of Wells et al (US 2001/0032257).

As per claim 1, Ralston et al discloses a method for scheduling appointments (scheduling system 10, see Figure 1) comprising, sending a task request from a client to a server system (client 20 request to schedule server 80 and remote schedule servers 38, 48, 58, see column 4, lines 38-42 and column 5, lines 21-24), the task request including patient identification (see column 4, lines 50-53) and resource identification (i.e., specific facility, see column 4, line 56), loading the associated patient schedule and resource schedule from a database into the local memory (servers 38, 48, 58 access data from facilities 35, 45, 55, and transmit to server 80, see column 5, lines 24-27) if said schedules are not available at said server system, and determining available times for the resource schedule at the server system (server 80 generates appointment candidates, see column 5, lines 27-28).

Ralston et al does not explicitly disclose determining, by the server system, whether schedules associated with the patient identification and resource identification are stored in local cache memory of the server system. Wells et al disclose a client request forwarded to a server that manages the database, wherein the requested information is cached within a memory location within the server and

sent to the client through a network connection, wherein when a similar request is made by another client, the server determines whether the information is stored as a cache version and increments a counter to indicate the number of requests (§ 0022). In addition, the information may include specific appointments and facilities for scheduling (§ 0038). As such, the Wells et al system provides synchronization of information over the network, thus optimizing information flow, management, and updating (§ 0018), therefore it would have been obvious to one having ordinary skills in the art at the time the invention was made to include checking a local database server for the information in Ralston et al, as seen in Wells et al, as an efficient means of determining client requests and retrieving the requested information.

As per claim 2, Ralston et al discloses the determining available times step beginning from a start timestamp provided in the task request for a period of time (client appointment preference data, including date and time, see column 4, lines 55-56).

As per claim 3, Ralston et al discloses the determining available times step of moving to a next time period of time if not available times for the resource schedule are found (determined via the resource availability mask, see column 4, lines 41-43).

As per claim 4, Ralston et al discloses wherein after the determining available times step, at least one available time being transmitted from the server to the client (see column 5, lines 63-65).

Claim 5 is rejected based upon the rejection of claim 1, since it is the system claim corresponding to the method.

As per claim 6, Ralston et al discloses a client coupled to the server system via a transmission medium (transmission medium 70, see column 4, lines 41-43).

As per claim 7, Ralston et al discloses a database coupled to the server system (data from facilities 35, 45, 55, see column 5, lines 24-27).

Response to Arguments

7. In the Remarks, Applicant argues that there is no teaching or suggestion in Straube that the server 111 is to determine whether the file being requested by the client is stored in the local cache memory of the server. The Examiner submits Wells et al as teaching the limitation, as seen above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing


Art Unit: 3623

date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


adb
September 24, 2006


Rompin Janty
Primary Examiner
Art Unit 3623